

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
COURT
FILED
SEP 17 2007
CLERK, U.S. DISTRICT COURT
By _____ Deputy

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ORDER

Came on for consideration the above-captioned action wherein Joseph L. Yarborough is petitioner and Nathaniel Quarterman, Director, T.D.C.J., Correctional Institutions Division, is respondent. This is a petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254. On August 24, 2007, the United States Magistrate Judge issued his proposed findings, conclusions, and recommendation that petitioner's grounds one and two relating to the sufficiency of the evidence relative to his conviction be dismissed with prejudice and that petitioner's remaining grounds three and four urging ineffective assistance of counsel be dismissed without prejudice for failure to exhaust administrative remedies. The magistrate judge ordered that the

parties file objections, if any, to his proposed findings, conclusions, and recommendation by September 14, 2007. On September 4, 2007, petitioner's filed his objections. Respondent has made no further response.

In accordance with 28 U.S.C. § 636(b)(1) and Rule 72 of the Federal Rules of Civil Procedure, the court makes a de novo determination of those portions of the proposed findings or recommendations to which specific objection is made. United States v. Raddatz, 447 U.S. 667 (1980). The court is not addressing any nonspecific objections or any frivolous or conclusory objections. Battle v. United States Parole Comm'n, 834 F.2d 419, 421 (5th Cir. 1987).

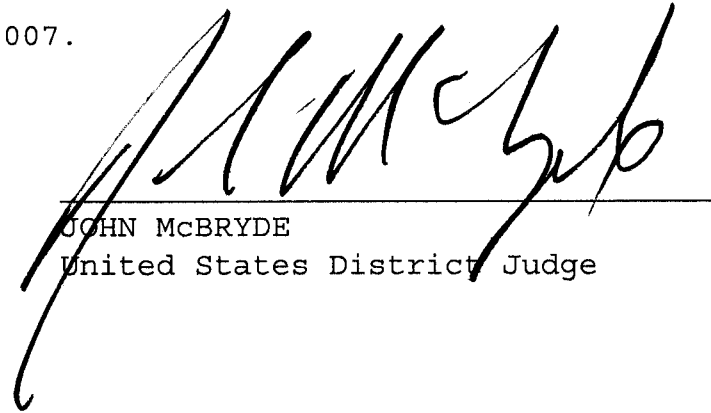
Having thoroughly reviewed petitioner's purported objections, the court finds that he makes no specific objection to the magistrate judge's findings, conclusions, and recommendation. Rather, petitioner merely re-alleges in conclusory fashion his bald assertion of actual innocence.

Therefore,

The court accepts the findings, conclusions and recommendation of the magistrate judge and ORDERS that petitioner's grounds one and two relating to the sufficiency of the evidence relative to his conviction be dismissed with

prejudice and that petitioner's remaining grounds three and four urging ineffective assistance of counsel be dismissed without prejudice for failure to exhaust administrative remedies.

SIGNED September 17, 2007.



JOHN MCBRYDE
United States District Judge